

# ATTACHMENTS-J

SHUT AL4

To: Assistant Deputy Warden D.R. Pierce  
Mayor Dave Holman  
Section Supervisor  
D.C.C. Smyrna - S.H.U. - M.H.U. units

RECEIVED  
MAY 09 2005  
DEPUTY WARDEN I

Re: Grievance # 9907 Assault of Inmate.

I am requesting that you notify me of the outcome of my request - Grievance as to the assault upon my person as stated in Grievance # 9907 and Deputy Warden D.R. Pierce's request at top of Grievance for you to assign Supervisor (other than LT. Boone) to investigate the allegations therein.

Please Notify me Accordingly.

Sincerely Yours,  
Shane Hopkins

Shane Hopkins # 00253415  
S.H.U. 17-A-L#4

cc: file


cc: Colm F. Connolly Esq.

Exhibit "C"



STATE OF DELAWARE  
DEPARTMENT OF CORRECTION  
**OFFICE OF THE DEPUTY WARDEN I**  
DELAWARE CORRECTIONAL CENTER  
1181 Paddock Road  
SMYRNA, DELAWARE 19977  
Telephone: (302) 653-9261  
Fax: (302) 659-6668

MEMORANDUM

TO: IM Shane Hopkins SBI# 253918 SHU 17 AL4  
FROM: David Pierce, Deputy Warden I   
DATE: May 18, 2005  
RE: Grievance

---

I received your letter May 9, 2005, regarding your grievance outcome.  
When a decision is reached you will be notified.

DP/dc  
Attachment  
cc: File

17 AL4

RECEIVED

MAY 31 2005

DEPUTY WARDEN I

MAY 30, 2005

D.W. DE. PIERCE

RE: Reply TO Your MEMORANDUM OF 5-18-05

DEAR SIR,

THANK YOU FOR RESPONDING TO MY WRITTEN REQUEST RECEIVED ON 5-9-05 AS TO GRIEVANCE # 9907 DISPOSITION. I WOULD LIKE YOU TO KNOW THAT NO ONE HAS SPOKEN TO ME ABOUT THIS GRIEVANCE OR ANOTHER ADDENDUM GRIEVANCE # 9908 SINCE THEY WERE FILED. I WOULD ALSO NOTE THAT I WAS DENIED ACCESS TO ANYTHING DURING THE TIME PERIOD I WAS HELD IN ISOLATION STATUS, THUS I FILED AS SOON AS I OBTAINED MY PROPERTY BACK. I SAY THIS BECAUSE IT IS A COMMON CUSTOM OR PRACTICE TO DENY ANYONE IN ISOLATION STATUS A PEN OR GRIEVANCES.

I WOULD ALSO NOTE THAT B.O.P AND C.F.R. ON GRIEVANCE PROCEDURE WILL SHOW THAT NO PROCESS NOW COULD BE TIMELY AS THE GRIEVANCES ARE MORE THEN 180 DAYS OLD.

PLEASE NOTIFY ME AS TO WHO IS INVESTIGATING THESE.

SINCERELY YOURS,

Shane Hopkins

SHANE HOPKINS #253918


S.H.O. #17 A-L#4

Rec.  
6-5-05



STATE OF DELAWARE  
DEPARTMENT OF CORRECTION  
**OFFICE OF THE DEPUTY WARDEN I**  
DELAWARE CORRECTIONAL CENTER  
1181 Paddock Road  
SMYRNA, DELAWARE 19977  
Telephone: (302) 653-9261  
Fax: (302) 659-6668

MEMORANDUM

TO: IM Shane Hopkins SBI# 253918 SHU 17 AL4  
FROM: David Pierce, Deputy Warden I   
DATE: June 2, 2005  
RE: Grievance

---

I received your letter dated May 30, 2005, regarding grievances you filed. Grievance #9907 and #9908 were rendered non-grievable issues. Therefore this matter is closed.

DP/dc  
Attachment  
cc: File

JUNE 12<sup>th</sup>, 2005

DEPUTY WARDEN  
DAVID E. PIERCE

RE: Reply To Your JUNE 2<sup>nd</sup>, 2005 REF: GRIEVANCE #9907  
AND #9909

Sir,

PRESUMPTIVELY, WHEN YOU ORDERED AN INVESTIGATION ON 12-30-04, BY THE NOTATION AT THE TOP OF GRIEVANCE #9907 YOU INSTITUTED A SEPRATE AND DISTINGUISHING INQUIRY OUT-SIDE OF AND INCLUDING THE REJECTION REASONS STATED ON THE BACK OF THE ORIGINAL GRIEVANCE DATED 12-20-04 BY C.P.L. L.M. MERSON. MY INQUIRY SPECIFICALLY ASKED OF YOU WHO WAS ASSIGNED TO INVESTIGATE THE MATTER UPON THE AFORESAID.

SINCE I HAVE NOT SPOKEN TO ANYONE ABOUT THIS AT ANY POINT THUS-FAR I WOULD REQUEST OR MAJOR DAVID HOLMAN TO NOTIFY ME ACCORDINGLY.

I AM REQUESTING AN INVESTIGATION AND CRIMINAL CHARGES HENCEFORTH.

XC: File

SINCERELY YOURS,

x Shane Hopkins  
# 253918

SHANE HOPKINS.

State of Delaware  
County of New Castle 55.

Affidavit of: Kenny F. Reeder

Dated: February 5, 2007

## AFFIDAVIT

I, Kenny F. Reeder, being first duly sworn deposes & says that the foregoing statement is true & correct under the laws of the State of Delaware & penalty of Perjury.

1. On November 26, 2004, I was present on A-tier in building #22 when inmate Shane Hopkins was assaulted, choked by C.O. J. Smith & C.O. Pusey.

2. I seen both C.O.'s (Pusey & Smith) take turns punching inmate Hopkins in his mid section & legs while he was on the floor under the windows at top of stairs. Inmate Hopkins is a little guy and both C.O.'s were well over two hundred (200) pounds. He did not resist at all.

3. When Shane was on the floor, he turned onto his stomach & placed his hands on his back, that is considered a non-threatening gesture.

4. C.O. Pusey got on Shane's back with both knees on his arms while C.O. Smith repeatedly punched Shane (what looked like) in his face. This whole time C.O. Smith was cursing towards Shane thru clenched teeth.

5. C.O. Pusey then started choking Shane to the point where he may have passed out. What made me think this is because Shane looked



lifeless laying on the floor.

6. I then seen Sgt. Outten and a few others come on the tier & C.O. Smith Commanded Sgt. Outten to "Spray" (capstun) Shane in which he did. Shane was then handcuffed & picked up to his feet, & told to face the corner of the two (2) walls.

7. C.O. Smith smacked Shane acrossed the back of his head a few times & it appeared the force of the smack made his face hit the wall. I was then ordered to lock-in, once the C.O.'s noticed some guys (inmates) were out watching, we were ordered to lock-in.

8. As Shane was escorted off the tier C.O. Smith had his hands around Shane's neck as if he was showing off his Prize.

9. I looked out my window & watched Shane practically been drug up the sidewalk. C.O. Smith & Pusey had Shane's arms so high up his back that it forced him/his body into a "L" shape with his head sticking out forward.

10. It appeared that when Shane reached the entrance of building # 24, his head was rammed into the structure (wall).

Declarant: Kenneth Needler

(28 U.S.C. 1746 & 18 U.S.C. 1621)

#253949, 1181 Paddock Rd. D.C.C.

Smarna, DE. 19977



STATE OF DELAWARE )  
COUNTY OF New Castle ) SS

AFFIDAVIT OF: Colbert Shannonhouse  
DATED: MARCH 27<sup>th</sup> 2007

### AFFIDAVIT

I, Colbert Shannonhouse, being first duly sworn deposes and says that the foregoing statement is a true and correct observation of what occurred on the above date herein at/in 22 mth located in the Delaware Correctional Center, Smyrna, Delaware, in that I was a part of or witnessed the incident described herein. I would clearly state under penalty of perjury of the laws of the State of Delaware. I was living on 22 A tier

Lower 8 And I clearly saw what happen on 11-26-04, I was standing in my door window the whole time the situation happen. What I saw was IM/Hopkins being pulled, pushed and knied for no reason by CO/Smith and CO/Pusey. there was some reason that inmate Hopkins had to move from Lower 10 to upper 12 and when officers told him IM/Hopkins where he was going He told officers that some thing was going to happen if He goes into that cell a fight might happen! Then out of nowhere CO/Smith started Choking him I saw Smith both hitting him and pushing his face in to the wall once on the ground the beating got worse. I saw CO/Smith Face He was like a Beast. He was shouting and saying He Hated this pussy then CO/Pusey was on his back with both knees by that time another CO came on the tier so they took him off then I heard people in my vent saying they COs was still Fucking him up look out the window and they CO/Smith and CO/Pusey was running his head into the door of bld 24 then I have not seen him since.

Affiant: Colbert Shannonhouse

Signature

Colbert Shannonhouse

Print Name

Delaware Correctional Center  
Smyrna, DE. 19977

SWORN TO AND SUBSCRIBED before me this 27 day of MARCH, 2007

My Commission Expires:

Notary Public

AFFIDAVIT

I, Christopher Desmond, being first duly sworn deposes and says that the foregoing statement is a true and correct observation of what occurred on the above date herein at/in Building 22 MHU located in the Delaware Correctional Center, Smyrna, Delaware, in that I was a part of or witnessed the incident described herein. I would clearly state under penalty of perjury of the laws of the State of Delaware.

ON 11-26-04 I was in my cell on A-Tier cell A-U-7 in Building 22 when at approx. 3:00 PM C/O Pussy handed inmate S. Hopkins a Bag at which time inmate Hopkins took like he stepped out of his cell to review the inside of the Bag, C/O Pussy then pushed inmate Hopkins to the floor and looked from my view like he was hitting him in the head, shortly thereafter C/O Smith came up and jumped on inmate Hopkins along with C/O Baker and several other C/O's I don't know their names. They then drug inmate Hopkins down to the first floor and outside of A-Tier. Inmate Hopkins looks to be 5 feet 5 at most while the C/O Pussy and Smith are at least 6 feet and plus 200 lbs each, inmate Hopkins was handcuffed at this time therefore little resistance could have been offered by inmate Hopkins, to justify such force shown by officers at this time.

Affiant

Christopher Desmond  
Signature

Christopher R. Desmond  
Print Name

Delaware Correctional Center  
Smyrna, Delaware 19977

SWORN TO AND SUBSCRIBED before me this 6 day of Feb, 2007:

My Commission Expires:

NONE HVA at this time  
Notary Public

Thum print of left hand

JUNE 12<sup>th</sup>, 2005

DEPUTY WARDEN  
DAVID E. PIERCE

RE: Reply To Your JUNE 2<sup>nd</sup>, 2005 REF: GRIEVANCE #9907  
AND #9904

Sir,

PRESUMPTIVELY, WHEN YOU ORDERED AN INVESTIGATION ON 12-30-04, BY THE NOTATION AT THE TOP OF GRIEVANCE #9907 YOU INSTITUTED A SEPRATE AND DISTINGUISHING INQUIRY OUT-SIDE OF AND INCLUDING THE REJECTION REASONS STATED ON THE BACK OF THE ORIGINAL GRIEVANCE DATED 12-20-04 BY C.P.L. L.M. MERSON. MY INQUIRY SPECIFICALLY ASKED OF YOU WHO WAS ASSIGNED TO INVESTIGATE THE MATTER UPON THE AFORESAID.

SINCE I HAVE NOT SPOKEN TO ANYONE ABOUT THIS AT ANY POINT THUS-FAR I WOULD REQUEST OR MAJOR DAVID HOLMAN TO NOTIFY ME ACCORDINGLY.

I AM REQUESTING AN INVESTIGATION AND CRIMINAL CHARGES HENCEFORTH.

XC: FILE

SINCERELY YOURS,  
x Shane Hopkins  
# 253918

SHANE HOPKINS.

State of Delaware  
County of New Castle

55.

Affidavit of: Kenny F. Reeder

Dated: February 5, 2007

### AFFIDAVIT

I, Kenny F. Reeder, being first duly sworn deposes & says that the foregoing statement is true & correct under the laws of the State of Delaware & penalty of Perjury.

1. On November 26, 2004, I was present on A-tier in building # 22 when inmate Shane Hopkins was assaulted, choked by C.O. J. Smith & C.O. Pusey.

2. I seen both C.O.'s (Pusey & Smith) take turns punching inmate Hopkins in his mid section & legs while he was on the floor under the window's at top of stairs. Inmate Hopkins is a little guy and both C.O.'s were well over two hundred (200) pounds. He did not resist at all.

3. When Shane was on the floor, he turned onto his stomach & placed his hands on his back, that is considered a non-threatening gesture.

4. C.O. Pusey got on Shane's back with both knees on his arms while C.O. Smith repeatedly punched Shane (what looked like) in his face. This whole time C.O. Smith was cursing towards Shane thru clenched teeth.

5. C.O. Pusey then started choking Shane to the point where he may have passed out. What made me think this is because Shane looked



• lifeless laying on the floor.

6. I then seen Sgt. Outten and a few others come on the tier & C.O. Smith Commanded Sgt. Outten to "Spray" (capstan) Shane in which he did. Shane was then handcuffed & Picked up to his feet, & told to face the corner of the two (2) walls.

7. C.O. Smith smacked Shane acrossed the back of his head a few times & it appeared the force of the smack made his face hit the wall. I was then ordered to lock-in, once the C.O.'s noticed some guys (inmates) were out watching, we were ordered to lock-in.

8. As Shane was escorted off the tier C.O. Smith had his hands around Shane's neck as if he was showing off his Prize.

9. I looked out my window & watched Shane Practically been drag up the sidewalk. C.O. Smith & Pusey had Shane's arms so high up his back that it forced him/his body into a "L" shape with his head sticking out forward.

10. It appeared that when Shane reached the entrance of building # 24, his head was rammed into the structure (wall).

Declarant: Kenneth Reeder  
 (28 U.S.C. 1746 & 18 U.S.C. 1621)  
 #253949, 1181 Paddock Rd. D.C.C.  
 Smyrna, DE. 19977

STATE OF DELAWARE )  
COUNTY OF New Castle ) SS

AFFIDAVIT OF: Colbert Shannonhouse  
DATED: MARCH 27th 2007

**AFFIDAVIT**

I, Colbert Shannonhouse, being first duly sworn deposes and says that the foregoing statement is a true and correct observation of what occurred on the above date herein at/in 22 mth located in the Delaware Correctional Center, Smyrna, Delaware, in that I was a part of or witnessed the incident described herein. I would clearly state under penalty of perjury of the laws of the State of Delaware. I was living on 22 A tier

Lower 8 And I clearly saw what happen on 11-26-04, I was standing in my door window the whole time the situation happen. What I saw was IM/Hopkins being pulled, punch and Kicked for no reason by C/O Smith and C/O Pusey. there was some reason that inmate Hopkins had to move from Lower 10. to upper 12 and when officers told him IM/Hopkins where he was going He told officers that some thing was going to happen if He goes into that cell a fight might happen! Then out of nowhere C/O Smith started Choking him I saw Smith both hitting him and pushing his Face in to the wall once on the ground the beating got worse. I saw C/O Smith Face He was like a Beast, He was shouting and saying He Hated this pussy then C/O Pusey was on his back with both knees by that time another C/O came on the tier so they took him off then I heard people in my vent saying they C/Os was still Fucking him up look out the window and they C/O Smith and C/O Pusey was Running his Head into the door of bld 24 then I have not seen him since.

Affiant: Colbert Shannonhouse  
Signature

Colbert Shannonhouse  
Print Name

Delaware Correctional Center  
Smyrna, DE. 19977

SWORN TO AND SUBSCRIBED before me this 27 day of MARCH, 2007

My Commission Expires:

Notary Public

State of Delaware )  
 ) SS.  
 County of New Castle )

Affidavit of: Christopher R. Desmond  
 Dated: 2-6-07

## AFFIDAVIT

I, Christopher Desmond, being first duly sworn deposes and says that the foregoing statement is a true and correct observation of what occurred on the above date herein at/in Building 22 MHU located in the Delaware Correctional Center, Smyrna, Delaware, in that I was a part of or witnessed the incident described herein. I would clearly state under penalty of perjury of the laws of the State of Delaware.

ON 11-26-04 I was in my cell on A-Tier cell A-U-7 in Building 22 when at approx. 3:00 PM C/O Pussay handed inmate S. Hopkins a Bag at which time inmate Hopkins took like he stepped out of his cell to review the inside of the Bag, C/O Pussay then pushed inmate Hopkins to the Floor and looked from my view like he was hitting him in the head, shortly thereafter C/O Smith came up and jumped on inmate Hopkins along with C/O Baker and several other C/O's I don't know their names. They then drug inmate Hopkins down to the First floor and outside of A-Tier. Inmate Hopkins looks to be 5 feet 5 at most while the C/O Pussay and Smith are at least 6 feet and plus 200 lbs each, inmate Hopkins was handcuffed at this time therefore little resistance could have been offered by inmate Hopkins, to justify such force shown by officers at this time.

Affiant

Christopher R. Desmond

Signature

Christopher R. Desmond

Print Name

Delaware Correctional Center  
Smyrna, Delaware 19977

SWORN TO AND SUBSCRIBED before me this 6 day of Feb 2007

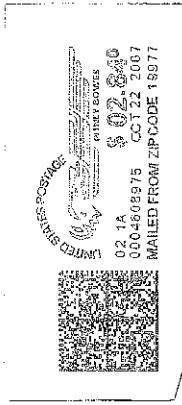
My Commission Expires:

None have at this time  
 Notary Public

Thum print of left hand



IM: Shane Hopkins  
SBI# 253916 UNIT C  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977



OFFICE OF THE CLERK  
U.S. DISTRICT COURT  
844 N. King St. Lockbox #18  
Wilmington, DELAWARE  
19801-3570

"Legal Mail"  
MAILED OCTOBER 21, 2007

U.S. MAIL